

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC.,  
a Maine Corporation,

Plaintiff

Civil Action No. 05011240 GAO

v.

MERIDIAN DESIGN, INC., a California  
Corporation

Defendant.

**STIPULATION OF DISMISSAL AND ORDER**

IT IS HEREBY STIPULATED AND AGREED as follows:

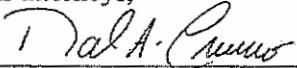
1. All responding parties to the above-captioned action, pursuant to the provisions of Fed. R. Civ. P. 41(a)(1)(ii) and (c), hereby stipulate as follows:
2. Plaintiff, HYDRO-PHOTON, INC. ("Hydro-Photon"), dismisses Count I in the above-captioned action *with* prejudice;
3. Defendant, MERIDIAN DESIGN, INC. ("Meridian Design"), dismisses its counterclaim, Count I and II, in the above-captioned action *without* prejudice;
4. Each party will bear its own costs and attorneys' fees; and

5. Subject to the approval of this Court, the parties also stipulate and agree that this Court shall retain jurisdiction over the enforcement, interpretation and all disputes arising out of the Settlement Agreement dated as of September 24, 2007, entered into by the parties hereto.

Respectfully submitted,

HYDRO-PHOTON, INC.

By its attorneys,



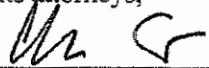
Daniel A. Crowe  
Nick E. Williamson  
BRYAN CAVE LLP  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, MO 63102-2750  
Telephone: (314) 259-2000  
Facsimile: (314) 259-2020

Thomas C. O'Konski, Esq.  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
Telephone: (617) 951-2500  
Facsimile: (617) 951-3927

Respectfully submitted,

MERIDIAN DESIGN, INC.

By its attorneys,

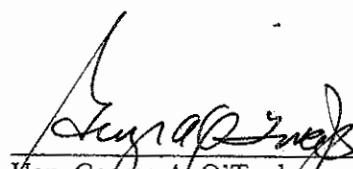


Jeffrey L. Snow  
Christopher Centurelli  
KIRKPATRICK & LOCKHART,  
PRESTON GATES ELLIS LLP  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111-2950  
Telephone: (617) 261-3100  
Facsimile: (617) 261-3175

Peter M. Midgley  
IP LEGAL TEAM PLLC  
P.O. Box 170440  
Boise, ID 83716  
Telephone: (208) 433-9121  
Facsimile: (208) 441-9120

SO ORDERED.

Dated: September 27, 2007, 2007

  
Hon. George A. O'Toole  
United States District Judge